

AMENDMENT UNDER 37 C.F.R. §1.312  
Application No.: 10/718,694

Attorney Docket No.: Q78573

**REMARKS**

According to MPEP 714.16(I), claim amendments submitted under 37 C.F.R. § 1.312 must be accompanied by remarks which responds to four criteria: (A) why the amendment is needed; (B) why the proposed amended or new claims require no additional search or examination; (C) why the claims are patentable; and (D) why they were not presented earlier.

The following comments will address each of the requirements in turn.

Applicants respectfully submit that the amendment to claim 17 is needed in order to differentiate the process confirmation data recited in claim 17 from that recited in claim 13.

Applicants respectfully submit that the amendment to claim 17 does not require additional search or consideration since the amendment to claim 17 changes claim 17 to recite the same process confirmation data recited in allowed claim 7. Thus, the term has been previously considered in combination with similar elements to the remainder of claim 17.

Applicants respectfully submit that claim 17 is patentable since it recites features analogous to allowed claim 7.

Applicants respectfully submit that the submitted claim amendments were not presented earlier because the desired change in claim scope was not discovered until the review of the pending claims following the Examiner's proposal of an Examiner's Amendment on April 14, 2010. Applicants rejected the proposed amendment, and, based on the Examiner's comments, expected a new Office Action. The claim amendment submitted herein would have been submitted as part of the response to the new Office Action. Instead, the Examiner issued a Notice of Allowance, meaning that Applicants only recourse for submitting the amendment to claim 17 was by the instant amendment.

AMENDMENT UNDER 37 C.F.R. §1.312  
Application No : 10/718,694

Attorney Docket No.: Q78578

Entry and consideration of this Amendment are respectfully requested.

Respectfully submitted,

/Dion R. Ferguson/

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: August 12, 2010

Dion R. Ferguson  
Registration No. 59,561